

RESOLUTIONS

PROPOSED CONSTITUTIONAL AMENDMENT—WATER DEVELOPMENT BOARD—STORAGE FACILITIES IN RESERVOIRS

H. J. R. No. 46

Proposing a: Amendment to the Constitution of Texas by adding to Article III a new Section to be known as Section 49-d authorizing the Texas Water Development Board to acquire and develop storage facilities in reservoirs and to dispose of such storage facilities and water upon such terms as the Legislature shall prescribe; providing for the use of funds received from the disposition of acquired storage and water; providing that any enabling Acts shall not be invalid because of their anticipatory character; prescribing the form of ballot and providing for the necessary proclamation and publication.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article III of the Constitution of Texas be amended by adding a new Section thereto to be known as Section 49-d, as follows:

"Section 49-d. It is hereby declared to be the policy of the State of Texas to encourage the optimum development of the limited number of feasible sites available for the construction or enlargement of dams and reservoirs for conservation of the public waters of the State, which waters are held in trust for the use and benefit of the public. To this end, and with the approval of the Board of Water Engineers or its successor, the proceeds from the sale of State bonds deposited in the Texas Water Development Fund as provided in Article III, Section 49-c of this Constitution, may be used by the Texas Water Development Board, under such provisions as the Legislature may prescribe by general law, for the additional purposes of acquiring and developing storage facilities, for the conservation and development of water for useful purposes in and from reservoirs constructed or to be constructed or enlarged within the State of Texas or on any stream constituting a boundary of the State of Texas, by any one or more of the following governments or governmental agencies: by the United States of America or any agency, department or instrumentality thereof; by the State of Texas or any agency, department or instrumentality thereof; by political subdivisions or bodies politic and corporate of the State; by interstate compact commissions to which the State of Texas is a party; and by municipal corporations.

"Under such provisions as the Legislature may prescribe by general law, the Texas Water Development Board may also, with the approval of the Board of Water Engineers or its successor, execute long-term contracts with the United States or any of its agencies for the acquisition and development of storage facilities in reservoirs constructed or to be constructed by the Federal Government. Such contracts when executed shall constitute general obligations of the State of Texas in the same manner and with the same effect as State bonds issued under the authority of the preceding Section 49-c of this Constitution, and the provisions in said Section 49-c with respect to payment of principal and interest on State bonds issued shall likewise apply with respect to payment of principal and interest required to be paid by such contracts. If storage facilities are acquired for a term of years, such contracts shall contain provisions for renewal that will protect the State's investment.

"The aggregate of the bonds authorized by said Section 49-c, plus the principal of the obligations incurred under any contracts authorized here-

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under, shall not exceed the Two Hundred Million Dollars (\$200,000,000) in bonds authorized by said Section 49-c of Article III of this Constitution.

"The Legislature shall provide terms and conditions for the Texas Water Development Board to sell, transfer or lease, in whole or in part, any acquired storage facilities or the right to use such storage facilities at a price not less than the direct cost of the Board in acquiring same; and the Legislature may provide terms and conditions for the Board to sell any unappropriated public waters of the State that might be stored in such facilities. As a prerequisite to the purchase of such storage or water, the applicant therefor shall have secured a valid permit from the Board of Water Engineers or its successor authorizing the acquisition of such storage facilities or the water impounded therein. The money received from any sale, transfer or lease of storage facilities shall be used to pay principal and interest on State bonds issued or contractual obligations incurred by the Texas Water Development Board, provided that when moneys are sufficient to pay the full amount of indebtedness then outstanding and the full amount of interest to accrue thereon, any further sums received from the sale, transfer or lease of such storage facilities may be used for the acquisition of additional storage facilities or for providing financial assistance as authorized by said Section 49-c. Money received from the sale of water, which shall include standby service, may be used for the operation and maintenance of acquired facilities, and for the payment of principal and interest on debt incurred.

"Should the Legislature enact enabling laws in anticipation of the adoption of this Amendment, such Acts shall not be void by reason of their anticipatory character."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at the General Election to be held on November 6, 1962, at which election all ballots shall have printed thereon:

"FOR the Amendment to Article III of the Constitution of Texas by adding a new Section to be known as Section 49-d, providing for a State program of acquiring conservation storage facilities in reservoirs"; and

"AGAINST the Amendment to Article III of the Constitution of Texas by adding a new Section to be known as Section 49-d, providing for a State program of acquiring conservation storage facilities in reservoirs."

Sec. 3. The Governor shall issue the necessary proclamation for said election and shall have the same published as required by the Constitution and laws of this State.

Adopted by the House, February 28, 1961: Yeas 139, Nays 4; House refused to concur in Senate amendments, March 20, 1961, and requested appointment of a Conference Committee to consider differences between the two Houses; House adopted Conference Committee Report, March 29, 1961: Yeas 134, Nays 0; passed the Senate, with amendments, March 15, 1961: Yeas 27, Nays 1; at request of House, Senate appointed a Conference Committee to consider differences between the two Houses; Senate adopted Conference Committee Report, March 30, 1961: Yeas 31, Nays 0.

Filed without Governor's signature, April 17, 1961.